

Docket No. 6817-A-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: AROUSSI, ABDELWAHAB, et al.

Date: October 28, 2005

Serial No.: 10/527,444

Filed:

For: FLOW HOMOGENIZER

PETITION UNDER 37 CFR 1.47

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Date of Deposit October 28, 2005 I hereby certify that
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Alexandria, VA 22313-1450 MAIL STOP PETITION

Kristen M. Baum
Kristen M. Baum

Dear Sir:

Applicant petitions for acceptance of a Declaration executed by only one of the three
inventors of the invention described and claimed in the above-identified application.

The following facts are provided in support of this Petition.

An Assignment of this application to GAIM Limited was recorded on March 9, 2005 in
reel/frame 016631/0108 (5 pages).

The present application is based upon a PCT application entitled Flow Homogeniser,
Serial No. PCT/GB03/0319 having an international filing date of 9 September 2003. The PCT
application claims priority to a British application assigned Serial No. 0220814.8 filed 9
September 2002. The named inventors in the British application, the PCT application and the

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Legal Staff
International Division

present application are: DRS. ABDELWAHAB AROUSSI, FAYCAL BAHRI and MOHAMED MENACER.

The three inventors executed an Assignment of the British application (Serial No. 0220814.8) on 24 July 2003 assigning all rights therein and in any patent applications filed anywhere in the world with respect to any invention claimed in the British application and the right to obtain priority therefrom. (Exhibit A).

Upon presentation to him, DR. ABDELWAHAB AROUSSI executed on 4 April 2005 a Statement Under 37 CFR § 3.73(b) stating that GAIM Ltd is the Assignee of all right, title and interest in the present application (Exhibit B). DR. AROUSSI, on behalf of the Assignee, GAIM, Ltd., executed on 20 April 2005 a Power of Attorney (Exhibit C) appointing the members of the firm of the undersigned as attorneys of record for the present application. DR. AROUSSI, as one of the joint inventors executed on 20 April 2005 a Declaration (Exhibit D).

As set forth in further detail in the appended Declaration of Ms. Caroline Marshall, a package containing the present application, including the specification, claims and drawings and a Declaration along with a cover letter requesting execution and return of the Declaration were sent by Royal Mail recorded delivery to each of DR. FAYCAL BAHRI and DR. MOHAMED MENACER. "Royal Mail recorded delivery" requires the addressee to sign on delivery of the package so as to acknowledge receipt thereof. The delivery of the package to DR. BAHRI was accepted but the delivery to DR. MENACER was not accepted. Neither of DRS. BAHRI nor MENACER returned an executed Declaration nor did either one of them contact Ms. Marshall or

any one in her law firm.

This Petition is also filed in response to the Notification of Missing Requirements Under Section 35 US 371 in the United States Designated/Elected Office (DO/EO/US) (copy is enclosed, as required). As the application was filed in English, the requirement for a translation is moot. This Petition is filed in response to the requirement for an oath or declaration.

As it is evident that two of the three inventors, DRS. BAHRI and MENACER, have been provided with a copy of the complete application and have refused to execute and return the respective Declarations, pursuant to their obligations (see Exhibit A), it is respectfully requested that this Petition be granted.

A request for a three month extension of time to file this Petition is enclosed along with payment of the required fee.

The fee for this Petition is enclosed.

Respectfully submitted,

CAHILL, VON HELLENS & GLAZER P.L.C.



C. Robert von Hellens
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c:\Clients\GAIMLtd-EricPotter\ToPTO\A-1Petition

ASSIGNMENT

THIS ASSIGNMENT is made the 24th day of July Two thousand and three.

BETWEEN:

- (1) Dr Mohamed Menacer, 42 Manston Mews, Radford, Nottingham NG7 3QY;
Dr Faycal Bahri, 22 Charles Avenue, Chilwell, Nottingham NG9 5EE;
Dr Abdelwahab Aroussi, 17 Elmore Court, Radford, Nottingham NG7 4BE
(hereinafter called "the Assignors") of the one part; and
- (2) GAIM Limited of Hartshorne Rd, Woodville, Derbyshire DE11 7GT
(hereinafter called "the Assignee") of the other part.

WHEREAS:

- (A) The Assignors are the beneficial owners of United Kingdom Patent Applications Nos. 0219575.8, 0220814.8 and 0314387.2 (hereinafter referred to as "the Applications").
- (B) The parties hereto have agreed that the Assignors' rights in the Applications should be transferred by the Assignors to the Assignee for the consideration hereinafter set forth.

NOW IT IS HEREBY AGREED

- 1 In consideration of the sum of £5 now paid by the Assignee to the Assignors (the receipt whereof is hereby acknowledged) the Assignors HEREBY ASSIGN with full title guarantee absolutely and free from any licences, charges or other encumbrances:-

- 1.1 all right, title and interest in and to the Applications (including any and all divisions, reissues, continuations and extensions thereof) to the intent that grant of any UK patents thereon shall be in the name of and shall vest in the Assignee TOGETHER WITH all the rights and powers arising or accrued therefrom including the right to sue for damages and other remedies in respect of any infringement of such rights or other rights within the scope of the claims of any published specification accompanying the Applications prior to the date hereof; and

1.2 the right to apply for, prosecute and obtain patent or similar protection throughout the world in respect of any invention claimed in the Applications including the right to obtain priority therefrom to the intent that the grant of any patents or similar protection shall be in the name of and vest in the Assignee.

2 The Assignors agree that at the request of the Assignee they will at all times hereafter do all such acts and execute all such documents (including the making of or deposing to any declaration or oath) as may reasonably be necessary or desirable to secure the vesting in the Assignee of all rights assigned to the Assignee hereunder, to secure registration of this Assignment at the United Kingdom Patent Office and to assist in the resolution of any question concerning the Applications.

IN WITNESS of these matters this document has been executed by the parties on the date set out at the beginning of this Assignment.

Signed by

Dr Mohamed Menacer:

Signed by

Dr Faycal Bahri:

Signed by

Dr Abdelwahab Aroussi:

Signed by

duly authorised for and on behalf of
GAIM Ltd
by Charles R. Conroy

I certify that this is a true copy
of the original document

Signed:

Name: **C. Marshall**